

Department of Planning and Budget 2023 Fiscal Impact Statement

1. Bill Number: SB878

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: McDougle

3. Committee: Privileges and Elections

4. Title: Voter registration; noncitizens of the United States; penalty.

5. Summary: Provides that a person who is not a citizen of the United States is not entitled to register to vote and makes it a Class 6 felony for any person to intentionally procure, assist, or induce another to register to vote knowing that such person is not a United States citizen.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary, see item 8 below.

8. Fiscal Implications: The proposed legislation is not expected to have a fiscal impact on the Department of Elections.

This bill would expand the scope of an existing felony offense. For someone convicted of a Class 6 felony, a judge has the option of sentencing the offender to a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor or otherwise local-responsible prisoner held in a jail and \$15.00 a day for each state-responsible prisoner. It also funds a considerable portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2022), the estimated total state support for local jails averaged \$40.39 per inmate, per day in FY 2021.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 2, 2022

Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Elections, State Board of Elections, and General Registrars.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

January 17, 2023